

IN THE UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT FOR TENNESSEE
NASHVILLE DIVISION

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OCT 31 2019

U.S. District Court
Middle District of TN

MELVIN POWELL,)
_____,)
_____,)
Plaintiff,)

Docket/Complaint No: _____

vs.)

JURY TRIAL DEMAND

CORECIVIC (Medical & Staff),)

COMMISSIONER TONY PARKER,)

Medical Staff,)
Dr. Laveck,)

TENNOVA HEALTHCARE,,)

Polaska, Piety,)
Nancy, Barrott,)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
UNDER 42 U.S.C. 1983

PREVIOUS LAWSUITES

A. Have yo begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (✓)

B. If your answer to A is yes,d describe each lawsuit in the space below.

II . PLACE OF CONFINDMENT :

Trousdale turner Correctional Center
140 Macon Way
Hartsville,Tn 37074

Is there a [prisoner grievance procedure in this institution ? Yes (✓) No ()

Did you presenty the facts relating to your complaint in the state prisoner grievance procedure?
Yes (✓) No ()

If your answer is yes,

1. What steps did you take?

By filing a grievance before I file my lawsuit.

2. What was the result?

If your answer was "no" explain why
not: _____

If there is no prisoner grievance procedure in the institution, did you complain to prison authorities?
Yes () No ().

If your answer is yes,

What steps did you take?

What was the result?

III. PARTIES

in item A below, place your name in the first and place your [present address in the second blank.

A. Name of Plaintiff(s): Melvin Powell # 518585

address: Trousdale Turner Correctional center
140 Macon Way
Hartsville, Tn 37074

In item B below, place full name of the defendants in the first blank, his/her official position in the second blank, and his/hers place of employment in the third blank. Use item C for the names, positions and places of employment of any additional defendants.

B. Name of defendant(s): **Dr. Laveck, C.O. Mrs. Lanier,**
Corecivic--Medical Staff
Tennova HealthCare--Medical Staff

STATEMENT OF THE CLAIM

STATEMENT OF THE FACTS

On October 24, 2018 at 7:am, Plaintiff went to medical. While at medical I was throwing up black stuff. It took someone about thirty (30) minutes to and hour to come check up on me. Now I had nurse Reese tell me that a hernia doesn't hurt. After about an hour a doctor came in and check my blood pressure and to give me something for the pain and to stop me from throwing up black stuff. After a

shot was given I still was throwing up. After about 2 ½ to 3 hours the doctor came back in and check up on me to look at the hernia to try to reduce it and the pain, And it wouldn't move at all . After trying about 4 to 5 times trying to reduce it, she(nurse) decided to send me out to the hospital and she had someone call the ambulance to come and get me. I was then transported to Lebanon to Tennova Healthcare. Upon getting there they called a surgeon that was on call for the night. When she made it, she was trying to get back to what she was doing before she made it there. Now, she tried to push the hernia back in my stomach and it wouldn't move, but at the same time she was telling me ,”stop tensing up” cause I can't push it back up inside with you tensing up. Now after about 14 to 15 times of her trying to push it back in, she told me,”either you let me push it back inside or I'll send you back just like you came in. And that's when I told her that its nobody on this earth that going to let her grab their hernia and push it back up inside their stomach when its not moving and they don't tense up. That's when she told the other nurses to get me ready to go to surgery.. They came in and started to put tubes and wires all over and they rolled me to another room where they put this mask over my face and I was out. Now, Co/Laner told me that the surgeon told the nurse to get me a 150 cc's of anesthesia and the nurses told her that's to much for him and she told them , so just give it to him. Now when I woke up the hernia was still in the same place and she the surgeon was gone back to the house. And then I was sent back to the prison about 12:45 am Thursday morning Oct.25,2018. When I made it back to the prison they sent me back to CA 210 upstairs which I was in pain. Now, all day Thursday I was in pain trying to get up and down off the top buck to use the restroom. I was still throwing up black stuff. All day I was throwing up. I had an appointment on Friday Oct.26, 2018 to see Dr.Laveck. When I get to medical to see Dr. Laveck and he checked me out, he told me that I had to go back out to the hospital cause whoever suppose to had reduced the hernia didn't do anything to it. And he had someone call the ambulance to come an get me. When the ambulance made it, he told them to take me to Nashville to some hospital and they asked him about the one in Lebanon which was Tennova Healthcare. He told them not to take me there because they didn't fix the problem the first time so why send him back there. So, he told them to taker me to Nashville. When I got into the ambulance they took me where they wanted to take me, which was back to Tennova Healthcare. When I made it there it was another surgeon there and he started telling me how he was going to do the surgery and how he was going to double patch it up, so it wouldn't come back out. He explained to me how long it was going to take to do it and everything. And then I started to sign all the paperwork to get it started. They then, took me to the operating table and when I woke up he explained to me how he wasn't able to do what he said he was going to do cause my intestine was tied around the hernia and some of them had died off and he had to cut them off and fix that first and then he took care of the hernia, but he couldn't double patch it

up, and that it would come back. I stayed in the hospital until Oct.31,2018 and they release me back to the prison. After making it back to the prison, they sent me back upstairs to CB230. Now on Nov.1,2018,I went to get my pain meds and they had lost the prescription so I couldn't get my meds or my antibiotics. I didn't receive my pain meds until that Sunday which was the 4th of Nov,2018 and I received my antibiotics the 7th of Nov,2018. Everyday after then I went to the med window to get my meds. And I seen C.O. Mrs.Lanier and she told me that when I went on the 24th, of Oct. and the surgeon put me to sleep it took her 30 minutes to try to do what she said she did and it took me 3 hours to wake up. I had a check up visit on the 16th of Nov. and since the nurse at Tennova Healthcare told me when my checkup was ,they didn't send me to it. And I've been waiting on that checkup from the hospital cause they can check me out better than medical can here at the prison. The surgeon told me it would take 2 months to heel and it's been 3 months and I'm hurting worst than I was when I had the surgery. I've been to see Dr. Leveck about three to four times ,and all he's telling me is "if it gets soft then its infected as long as its hard it OK. Now, one of the nurses told me when I showed her in CB pod where I was staying, that it might be Keloids cause its normal for blacks to get them when they get cut like that. But the knot that I was talking about is leaking blood and has puss coming out of it and when I try to pee it hurts me right up under my stomach and the cut where they went inside to put that mash in, is hurting as well. Now, its been hurting every since my cut got them knots in it. I'm trying to not tear into anybody. I've been to sick call and I've see Dr. Laveck and he haven't done anything to inspire me that I'm going to be ok with my life.

MEMORANDUM OF ARUGUMENT AND

SUPPORTING LAW

Plaintiff respectfully submits that with all due respect, the various declarations used by the defendants to support the fact that CoreCivic did not deny him medical treatment or food services are not well supported where the grievances and or this civil suit are considered, and because of “Inexcusable Neglect” by the nurses from administering proper medical attention, Plaintiff was denied medical attention, and respectfully request this Magistrate Judge to accept this Plaintiff's statements of facts as with merit, and determine that there is genuine issues for trial , because a person or persons who acts under a color of state law to violate another's constitutional rights has the responsibilities for damages, and that this Plaintiff has a right to pursue Declaratory, Injunctive and Summary Judgment against the defendants seeking damages because of negligence by the defendants in administering proper medical services, and or distributing prescribed medications.

Plaintiff respectfully submits and contends that these and other actions and behaviors of CoreCivic officials continued negligence constitutes an “atypical and significant” hardship of deprivations of deprivements by medical staff service personnel, which violates his Due process rights of the Fourteenth Amendment, which protects from arbitrary and unfair treatment, and respectfully submits and states that substantial due process requires fundamental fairness, and in this Plaintiff's instant case now before this Honorable Court these actions and behaviors of CoreCivic officials while acting under the color of state law constitutes acts of “Deliberate Indifference” and violates Constitutional and Statutory First Amendment rights which prohibits anyone from placing substantial burdens of continued negligence on plaintiff's.

Plaintiff has submitted facts to support this suit as for the time frame, place of incident, with articles of evidence, and respectfully submits that his argument and allegations that the result of delays in receiving his medications, and inexcusable neglect by CoreCivic medical staff which did/does constitute serious injuries, constant pain, throwing up and having to climb up on a top bunk, living on

top tier status, respectfully submitting serious and significant injuries can occur, such as hernia being placed in a strain from climbing, and which also cause the hernia to stick out of my side, with intense pain following, causing plaintiff to lose consciousness and could have cause further serious injury's and or death.

WHEREFORE for above submitted reasons/ grounds for relief, and or allegations and facts, Plaintiff respectfully request this Honorable Court to accept this Civil Complain , and GRANT permission to proceed in Forma Papuis as indigent person, and set jury trial and Rule Summary Judgment damages on behalf of Plaintiff.

Respectfully Submitted,

Melvin Powell # 518585

RELIEF

That Defendants be ORDERED to offer better and prompt medical assistance for future inmates and or change the policy of how inmates injuries are handled,

and Change Healthcare provider from Tennova ..

Declaratory and injunctive Relif : attorney fees

Summary Judgment on behalf of Plaintiff

Injury Damages: \$500,000

Physical Damages: \$150,000

Emotional Damages: \$150,000

Mental Damages: \$150,000

SIGNED ON THIS 28 DAY OF OCT. 2019.

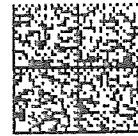
I Declare under penalty of perjury that the foregoing is true and exact, to the best of my knowledge, information and belief.

10/28/19
Date

Melvin Powell
Plaintiff

Melvin Powell #57555
D.J.C.
140 Macon Way
Hartsville, In 37074

NASHVILLE
TN 370
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OCT 31 2019
U.S. District Court
Middle District of TN

U.S. Dist Ct.
801 Broadway Room 800
U.S. CT HSE
Nashville, In 37203

37203-386900



THIS DOCUMENT IS UNCLASSIFIED

DATE 10/31/19 BY 60322 JER/INSPECTED

WHO IS NOT

RESPONSIBLE FOR THE CONTENTS

OCT 30 2019